

**IN THE U.S. DISTRICT COURT FOR MARYLAND,  
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC.	)	
	)	
Plaintiff	)	
v.	)	Case No. PJM 08 cv 0921
	)	
WORLD AVENUE USA, LLC, et al.	)	
	)	
Defendants	)	
_____	)	

**JOINT PROPOSED DISCOVERY SCHEDULE**

Pursuant to this Court’s Order dated November 30, 2010 at Docket Entry 544 (“Pre-Trial Order”), Plaintiff BEYOND SYSTEMS, INC. (“BSI”) and Defendants WORLD AVENUE USA, LLC (“WAUSA”), and WORLD AVENUE HOLDINGS, LLC (“Holdings”) hereby submit their Joint Proposed Discovery Schedule, and state that the following deadlines have been agreed to by the Parties and ask that they be approved by the Court.

As used herein:

Advisory Jury Trial (AJT) means the trial described in ¶1 of the Pre-Trial Order.

Conference shall mean an in-person or telephone conference call.

Trial Issues means the three issues identified in ¶1 of the Pre-Trial Order.

Limited Discovery Disputes means discovery disputes directly related to one or more of the Trial Issues.

Group I witnesses means non-party, non-expert witnesses other than the individuals named in Group II other than a witness associated with or employed by a party.

Group II witnesses means Paul Wagner, James Joseph Wagner, and Steven Wagner, and such other witnesses as the Court may allow pursuant to the filings at DE 565 and 568.

**December 22, 2010:** By no later than this date, counsel for BSI, WAUSA, and Holdings shall hold a Conference on Limited Discovery Disputes.

**January 7, 2011:** As to all Limited Discovery Disputes that are resolved in this Conference, the Parties shall file a Joint Stipulation informing the Court of each specific existing Limited Discovery Dispute that has been resolved, and such production, deposition, or amendments to Interrogatories pertinent to the Limited Discovery Disputes shall be served within fourteen (14) days. As to all Limited Discovery Disputes that are not resolved in the Conference, the Parties shall file a Joint Stipulation identifying each Limited Discovery Dispute that has not been resolved. As to all Limited Discovery Disputes that are not resolved in the Conference for which a Motion is not already pending, any Motions filed shall be briefed on an expedited basis as follows: The Motion shall be served within seven(7) business days of the Conference, the Opposition shall be served within seven(7) business days of the Motion, and the Reply shall be served within seven(7) business days of the Opposition.

**January 18, 2011:** By no later than this date, the Parties shall hold a Conference concerning requests for issuance of letters rogatory may issue to take discovery in foreign jurisdictions that is limited to discovery relevant Trial Issues; provided that, prior to filing any such request, the requesting Party must circulate to the opposing Party a full copy of such proposed request and hold a Conference on whether the opposing Party agrees to the proposed request. If the request is opposed after the Conference, the Motion or request shall be served within seven (7) business days of the Conference, the Opposition shall be served within seven (7) business days of the request, and the Reply shall be served within seven (7) business days of the Opposition. If unopposed, the request shall be submitted as a Joint Stipulation. Response times regarding letters rogatory shall be reasonably extended to accommodate international procedures.

**January 18, 2011:** By no later than this date, subpoenas for production of documents only to third parties that seek discovery directly relating to the Trial Issues may be issued.

**January 18, 2011:** By no later than this date, requests for inspection of premises (accompanied by subpoena for inspection of premises if directed to a third party) that are directly relevant to the Trial Issues may be issued.

**January 18, 2011:** By no later than this date, document requests and Interrogatories that are directly relevant to the Trial Issues may be issued. No

Party shall be required to respond to more than 25 interrogatories or 30 document requests issued pursuant to this Discovery Schedule.

**February 3-7, 2011:**

During this period, the inspection of premises noted on or before January 7, 2011 shall be conducted.

**February 7, 2011:**

The Return Date for production of documents for subpoenas issued shall occur on this date.

**February 11, 2011:**

Responsive documents and Answers to Interrogatories shall be served by no later than this date.

**February 15, 2011:**

By no later than this date, counsel for BSI, WAUSA, and Holdings shall hold another Conference on all existing Limited Discovery Disputes.

**February 17, 2011:**

As to all Limited Discovery Disputes that are resolved in this Conference, the Parties shall file a Joint Stipulation informing the Court of each specific Limited Discovery Dispute that has been resolved, and such production, deposition, or amendments to Interrogatories pertinent to the Limited Discovery Disputes shall be served within fourteen (14) days. As to all Limited Discovery Disputes that are not resolved in the Conference, the Parties shall file a Joint Stipulation identifying each Limited Discovery Dispute that has not been resolved. As to all Limited Discovery Disputes that are not resolved in the Conference for which a Motion is not already pending, any Motions filed shall be briefed on an expedited basis as follows: The Motion shall be served within seven (7) business days of the Conference, the Opposition shall be served within seven (7) business days of the Motion, and the Reply shall be served within seven (7) business days of the Opposition.

**February 25, 2011:**

The Parties shall serve upon each other a preliminary list of those fact witnesses whose testimony they expect to present at trial, the last known address of each witness, and a brief summary of the expected testimony of such witness.

**March-April, 2011:**

The Group I witnesses shall be deposed, including the seven (7) non-party depositions specified in Paragraph 3 of the Court's Pre-Trial Order.

**April 29, 2011:**

The Parties shall serve upon each other a list of those fact witnesses whose testimony they expect to present at trial, the last

known address of each witness, and a brief summary of the expected testimony of such witness and absent good cause shown, only those fact witnesses shall testify at trial. Good cause shall include, but not be limited to, the unavailability of the name of the witness prior to this witness designation date, the production of a document with the name of the witness after (but not before) this designation date, or the testimony of another witness containing the name of this witness after (but not before) this designation date.

- May 2011:** Depositions of Group II witnesses shall be conducted.
- May 31, 2011:** All fact discovery pertaining to Trial Issues shall be completed.
- June 1-30, 2011:** Time reserved for Expert Discovery subject to Court ruling on Joint Stipulation regarding Motions at Docket Entry 214 and 218.
- June 30, 2011:** All expert discovery pertaining to the Trial Issues shall be completed.
- June 30, 2011:** All Motions *in Limine* pertaining to the Trial shall be filed, and briefed on an expedited basis.
- July 15, 2011:** All designations of admissible deposition testimony taken in this action to be presented in each Party's case-in-chief, shall be served on this date.
- July 22, 2011:** A list of all exhibits to be introduced into evidence in each Party's case in chief at trial, shall be served on this date. Exhibits to be used solely for impeachment purposes at trial need not be so identified.
- July 23, 2011:** All cross-designations of the same admissible deposition testimony taken in this action designated on July 15<sup>th</sup> shall be served in rebuttal to the prior designations of those same depositions.
- July 2011-  
August 2011:** The Parties jointly request a Case Management Conference during the last week of the month of July 2010 or the first week of August 2010 to address issues for the AJT

Dated this 15th day of December 2010.

Respectfully submitted,

Stephen H. Ring, Esq.  
Stephen H. Ring, P.C.  
506 Main Street, Suite 215  
Gaithersburg, Maryland 20878  
Telephone: (301) 540-8180  
Telefax: (301) 563-9639

By: /s Stephen H. Ring, Esq.<sup>1</sup>

--and--

Michael S. Rothman, Esq.  
Law Office of Michael S. Rothman  
401 East Jefferson Street, Suite 201  
Rockville, Maryland 20850  
Telephone: (301) 251-9610  
Telefax: (301) 251-9610

By: /s Michael S. Rothman<sup>2</sup>

Dated this 15th day of December 2010.

Respectfully submitted,

Sanford M. Saunders, Jr., Esq.  
Nicoleta Burlacu, Esq.  
Greenberg Traurig, LLP  
2101 L Street, NW, Suite 1000  
Washington, DC 20037  
Telephone: (202) 331-3100  
Telefax: (202) 331-3101

By: /s Sanford M. Saunders, Jr., Esq.  
--and--

Kenneth A. Horky, Esq.  
John L. McManus, Esq.  
Greenberg Traurig, P.A.  
401 East Las Olas Boulevard  
Suite 2000  
Fort Lauderdale, Florida 33301  
Telephone: (954) 765-0500  
Telefax: (954) 765-1477

By: /s John L. McManus

---

<sup>1</sup> Permission to file electronically has been granted by counsel for Plaintiff.

<sup>2</sup> Permission to file electronically has been granted by counsel for Plaintiff.